

effect has been in this instance. One can be forgiven for wondering in how many other districts across Canada the same result has followed but has not been brought to light merely because no inquiry has been made.

This defect, if my view of this feature is correct and it can be so called, is easily the worst that can be found in the system. If it did not exist, faults in the earlier stages of the voting such as I have above touched upon would be cured, or at least would be curable. The chief danger there would still remain, that the fault should not be discovered in time. That might well have been the case here if there had not been a recount. There is no voters list or, as it is called in England, register of electors in the case of service men and women; and the declaration made by the voter in the outer envelope takes its place. Where civilian electors are concerned the voters list is readily accessible to a candidate and his agents, and it is where it ought to be, in the district he is contesting. Further, it is, or should be, carefully revised and kept up to date, and the chances are reduced almost to a minimum of errors creeping in. This is specially true of the matter that has caused all the trouble in this particular election, the place of residence of the voter. It is far different with service voters. They are all over the place, and their residences will only appear, and be scrutinized, in a voting headquarters far distant in most cases from the one place where alone that scrutiny can be properly made, the district itself. It must follow that few candidates, if any, can have anything but a vague idea about the service vote in his district or the qualifications of those voting. Only a recount, it would seem, can supply that information.

I mention this feature for the special reason that it provokes what is perhaps the most disquieting thought of all, the possibility of deliberate and successful wrongdoing. The most astute and unscrupulous civilian voter would hardly dare to make a knowingly false statement about his place of residence. The penalties are severe and he would have little chance of pulling it off. But the temptation might be very great to a service voter to see if he could not shift his vote from the proper candidate, who might not need it, to another who in his opinion did. If the case at bar is any criterion, the chances would be all in his favour of the vote being received and counted; and, if any enquiry should happen to be made, he would be well protected by this anonymity of the ballot.

There are other aspects of the system which, if not outright faults, would seem to indicate weaknesses, but no purpose would be served by mention of them here. While a judge may properly draw attention to such things, and is encouraged to do so to a certain extent in election cases, and while he may suggest the remedy as well, the latter function belongs in other hands. But in some clear instances the trouble itself may suggest the cure; no harm can be done, and some good may be, if this is pointed out and clarified. I think this petition is such an instance and make no apology for carrying this analysis one step further.

It is plain that a member of the Forces stands in a position different from that of the stay at home civilian. Different treatment is therefore required, but need it be carried as far as it is? The only real distinction between the two affects the first steps only in the voting procedure; once those are completed there is no good reason why both votes should not be treated in the same way and by the same machinery. And so it may be asked whether the elaborate set-up of four or more voting territories is really necessary. It may have been so some years back, before the advent of air mail. Today, when it may be said that an envelope can reach Canada from almost any place in the world in little more than a week, a consideration like this, which is after all only a matter of convenience, seems to lose most of its weight. I can see no good reason why